



12-26-2001

U.S. Patent & TMO/c/TM Mail Rpt Dt. #70

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BOX TAB - NO FEE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

INTELIHEALTH INC.

Opposer,

v.

1-800-DATABASE, LTD.

Applicant.

Opposition No.

NOTICE OF OPPOSITION

In the matter of service mark application Serial No. 76/019,206 filed April 7, 2000 and published for opposition in the Official Gazette of September 4, 2001 at Page TM 500:

InteliHealth Inc., a Pennsylvania corporation, having a business address of 960C Harvest Drive, Blue Bell, Pennsylvania 19422, believes that it will be damaged if a registration for the mark of the above application is issued and hereby opposes registration of said service mark. The grounds for opposition are as follows:

1. Applicant seeks to register "YOUR TRUSTED SOURCE" as a service mark for use "for provision of directory and catalogue information through on-line services and provision of information regarding products and services of others through on-line services (International Class 35)", as evidenced by the publication of said mark in the Official Gazette on September 4, 2001 at page TM 500.

DD

2. IntelliHealth Inc. (hereinafter referred to as "Opposer") provides on-line ordering in the field of health care products, publications and services in International Class 35; an interactive multi-media computer database and interactive on-line discussion sites and interactive on-line messaging sites in the field of health care, health care products and health care services; provides on-line discussion and messaging sites in the field of health care, health care products and health care services in International Class 38; and a computer Web site containing information about health care products and services in International Class 42.

3. Opposer has used and continues to use in commerce the mark "THE TRUSTED SOURCE" and has used the mark continuously in commerce in connection with on-line ordering in the field of health care products, publications and services; an interactive multi-media computer database and interactive on-line discussion sites and interactive on-line messaging sites in the field of health care, health care products and health care services; providing on-line discussion and messaging sites in the field of health care, health care products and health care services; and a computer Web site containing information about health care products and services since at least as early as April 30, 1998. An example of use of "THE TRUSTED SOURCE" is attached hereto as Exhibit A.

4. Opposer owns Registration No. 2,291,227 for on-line ordering in the field of health care products, publications and services in International Class 35. Such registration is valid and subsisting. A copy of Registration No. 2,291,227 is attached hereto as Exhibit B.

5. Opposer owns Registration No. 2,346,682 for an interactive multi-media computer database and interactive on-line discussion sites and interactive on-line messaging sites in the field of health care, health care products and health care services; providing on-line discussion and messaging sites in the field of health care, health care products and health care services in International Class 38; and for a computer Web site containing information about health care products and services in International Class 42. Such registration is valid and subsisting. A copy of Registration No. 2,346,682 is attached hereto as Exhibit C.

6. By virtue of extensive sales in commerce, and by virtue of the provision of on-line ordering in the field of health care products, publications and services; an interactive multi-media computer database and interactive on-line discussion sites and interactive on-line messaging sites in the field of health care, health care products and health care services; on-line discussion and messaging sites in the field of health care, health care products and health care services; and a computer Web site containing information about health care products and services under the "THE TRUSTED SOURCE" mark, the relevant trade and public have come to associate these services with Opposer exclusively, thereby creating a valuable reputation for Opposer's services.

7. By virtue of Opposer's use of the "THE TRUSTED SOURCE" mark in commerce since at least April 30, 1998, for on-line ordering in the field of health care products, publications and services; an interactive multi-media computer database and interactive on-line discussion sites and interactive on-line messaging sites in the field of health care, health care products and health care services; on-line discussion and messaging sites in the field of health care, health care products and health care services;

and a computer Web site containing information about health care products and services, such services have become well and favorably known to the relevant public under the "THE TRUSTED SOURCE" mark.

8. Applicant's "YOUR TRUSTED SOURCE" mark is likely to be confused with Opposer's "THE TRUSTED SOURCE" mark, as described above, because Applicant's mark is substantially identical to Opposer's "THE TRUSTED SOURCE" marks in sound, appearance and connotation. The mark opposed herein consists of the word "TRUSTED" followed by "SOURCE," creating an extremely similar overall commercial impression. The marks differ only in the words that precede the terms "TRUSTED SOURCE": "THE" is the first term of Opposer's mark, and "YOUR" is the first term of Applicant's mark.

9. The services of the Applicant and those of Opposer overlap and are otherwise closely related. Opposer uses its mark, and Applicant intends to use its mark, to provide catalog information through on-line services, to provide information regarding products and services of others through on-line services and for a computer Web site. Applicant's Web site at www.1-800-database.com displays a tag line that states "A world of Consumer Products." The Web site states that "1-800-DATABASE is a vital resource for the marketplace, managing the centralized database of product images and information across a range of industries: Hardware, Grocery, Housewares, Automotive Aftermarket, Beverages, Pet Products, School and Office Products and many others." Opposer's Web site offers images and information about health care products as well as a wide range of consumer products. The consumer products offered by Opposer include sleep products such as bedding, pillows, and accessories; kitchen products such as a

cutlery tray, a juicer, and rice bowls; home and office products such as a cordless phone and headset, desk fan, lamps, and cleaning products; home workout products; a water distiller and water purifier; and clothing.

10. The services of the Applicant and the services of the Opposer at issue are such as would be marketed and provided to the same class of purchasers and end users, that is, consumers, through the same and related channels of trade, including the Internet.

11. Purchasers, potential purchasers and end users, that is, consumers, of the Applicant's services, are likely to believe in error that such services are being offered by, in association with, affiliation with, or under license from IntelliHealth.

12. If Applicant is permitted to register "YOUR TRUSTED SOURCE" for the services set forth in the application, confusion of the trade and public will likely result, resulting in damage and injury to Opposer.

13. Purchasers and potential purchasers, on seeing Applicant's "YOUR TRUSTED SOURCE" used in connection with Applicant's services, would be likely to believe in error that such services originate with Opposer, or are provided in association or affiliation with, or are sponsored by Opposer.

14. Any persons familiar with the services of IntelliHealth would be likely to engage Applicant's services as originating with, sponsored by or affiliated with Opposer.

15. IntelliHealth competes with Applicant in the field of online catalog information, products and services.

16. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby a prima facie exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer and Opposer's customers.

WHEREFORE, Opposer prays that registration of the mark of Application No. 76/019,206 be refused and that this opposition be sustained.

Respectfully submitted,

INTELIHEALTH INC.

Date: 12-26-2001

By: Faye A. Dion
Faye A. Dion
Counsel
151 Farmington Avenue, RW4A
Hartford, CT 06156

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12/26/01

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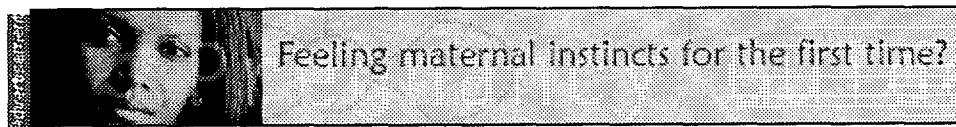
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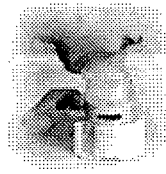
**Today's Top
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**Better Sleep
Products**
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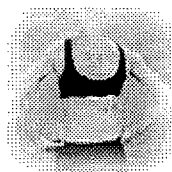
**Allergy Relief
Products**
[Breathe Easier](#)
[Climate Control](#)



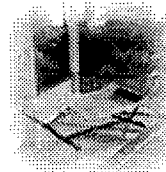
**Personal Care
Products**
[Bath & Shower](#)
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[Dental Care](#)
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[Incontinent Aids](#)
[Skin Care](#)



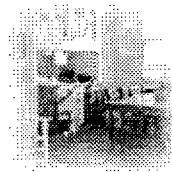
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Products**
[Diagnostics](#)
[Home Workout](#)



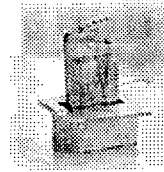
**Healthy Backs
Products**
[Home or Office](#)
[On The Move](#)



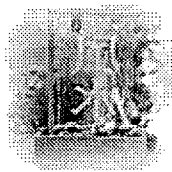
**Pain and Stress Relief
Products**
[Massagers](#)
[Pain Relief](#)
[Stress Relief](#)



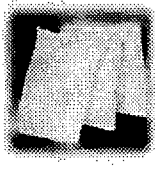
**Family
Resources
Products**
[Child Development](#)
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Products**



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Better Sleep

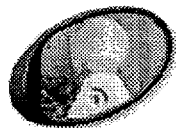
Click the icons or blue text links below to see all category products.



Bedding



Pillows

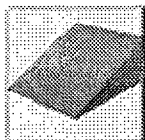


Sleep Accessories

Today's Top Picks



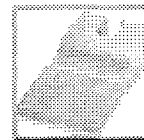
Dust Mite Barrier Bedding



Thermofoam Pillow Wedge



AeroBed



Comfort Pillow

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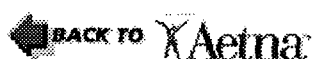
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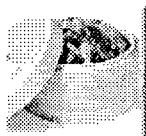
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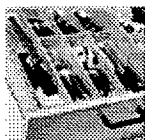
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In The Kitchen



Bamboo Steamer



Cutlery Tray



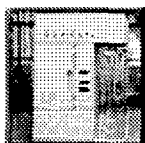
Electric Warming Tray



Evert-Fresh Green Bags



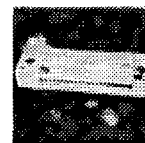
FoodSaver Vac 300™



Genesis Water Distiller



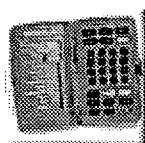
Kitchen Sponge Sanitizer



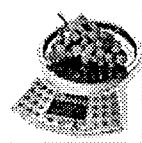
Magic Vac



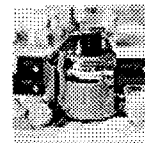
Non-Stick 7 pc. Wok Set



Nutri-Counter



**Personal Health Assistant
Food Scale**



Pulp Ejector Juicer



Rice Bowl Set



Safety Step Stool

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Home or Office



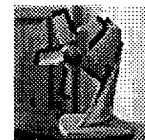
**900 Mhz Cordless Phone
with Headset**



Acu-Belt Back Support Belt



Bungee Desk™



Elan Desk Fan



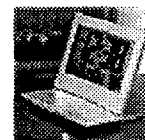
Gel Seat Cushion



**Hang Ups Inversion
Therapy Table**



**HappyEyes™ Desk & Floor
Lamps**



High Visibility Clock



**Intelli-Gel Cyber Seat
Cushion**



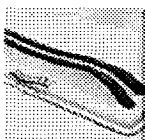
MHP Massage Chair



Portable Massage Table



RSX Recliner



Spine-Worx



**Steel Reinforced Back
Support**



Tush Cush seat cushion



UPLift Seat Assist

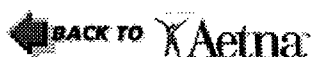
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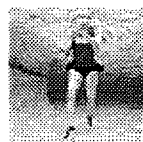
Home Workout



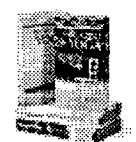
AbFit



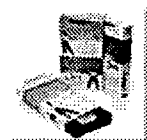
**Akwater Performance
Panty and Top**



Aqua-Hip



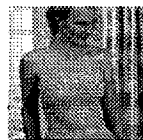
**Bed Top & Seated Yoga
Videos**



**Chi AM/PM for Beginners
Video**



Contender Kickboard



Cotton Lycra Sports Bra



**Eclipse 1000 Elliptical
Stepper**



**Gymform Plus Electronic
Muscle Massager**



**Hang Ups Inversion
Therapy Table**



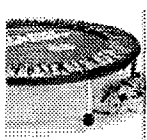
**Mega Ride® Saddle Bicycle
Seat**



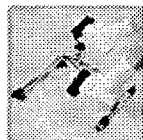
Micro Massage Pants



**Mini Stepper w/ upper body
workout**



Mini Trampoline



Pedaler Exerciser



**Single and Double Step
Stretch**



**Sunfish and Family Quick
Pools**



Swimmer's Snorkel



Tempo Mono Fin



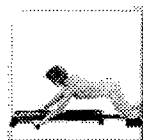
The Edge® Treadmill



The Original Sports Bag



Titanium Goggle



Torso Track 2



Total Gym 1000



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Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,291,227

United States Patent and Trademark Office

Registered Nov. 9, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

THE TRUSTED SOURCE

INTELI-HEALTH, INC. (PENNSYLVANIA CORPORATION)
960C HARVEST DRIVE
BLUE BELL, PA 19422

TIONS AND SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-30-1998; IN COMMERCE 4-30-1998.

SER. NO. 75-573,868, FILED 10-20-1998.

FOR: ON-LINE ORDERING IN THE FIELD
OF HEALTH CARE PRODUCTS, PUBLICA-

KEVON CHISOLM, EXAMINING ATTORNEY

Int. Cls.: 38 and 42

Prior U.S. Cls.: 100, 101 and 104

United States Patent and Trademark Office

Reg. No. 2,346,682

Registered May 2, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

THE TRUSTED SOURCE

INTELI-HEALTH, INC. (PENNSYLVANIA CORPORATION)
960C HARVEST DRIVE
BLUE BELL, PA 19422

FOR: INTERACTIVE MULTI-MEDIA COMPUTER DATABASE AND INTERACTIVE ON-LINE DISCUSSION SITES AND INTERACTIVE ON-LINE MESSAGING SITES IN THE FIELD OF HEALTH CARE, HEALTH CARE PRODUCTS AND HEALTH CARE SERVICES; PROVIDING ON-LINE DISCUSSION AND MESSAGING SITES IN THE FIELD OF HEALTH CARE, HEALTH CARE PRODUCTS AND

HEALTH CARE SERVICES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 4-30-1998; IN COMMERCE 4-30-1998.

FOR: COMPUTER WEB SITE CONTAINING INFORMATION ABOUT HEALTH CARE PRODUCTS AND SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-30-1998; IN COMMERCE 4-30-1998.

SER. NO. 75-573,867, FILED 10-20-1998.

KEVON CHISOLM, EXAMINING ATTORNEY

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

Mark: YOUR TRUSTED SOURCE

Serial No.: 76/019,206

Name of Applicant: Database, Ltd.

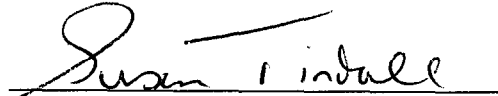
Filing Date of Application: 4/7/2000

Type of Paper Being Filed: Notice of Opposition of
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Date of Deposit: December 26, 2001

Express Mail Mailing Label Number: EL682249527US

I hereby certify that the above-identified correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 110 on the date indicated above and in an envelope addressed to the Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.


Susan Tindall



02-13-2002

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #76

TAB
Aetna Inc.
151 Farmington Avenue
Hartford, CT 06156-3124

February 8, 2002

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Ms. Angela Pope
United States Patent & Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

Applicant: 1-800-Database, Ltd.
Serial No. 76/019,206
Filed: April 7, 2000
Mark: YOUR TRUSTED SOURCE

Dear Ms. Pope:

On December 26, 2001, Aetna Inc. filed a Notice of Opposition to registration of the mark shown in the above-identified application.

Enclosed a check for the \$300.00 fee, which was not included with our original filing.

Sincerely,

Faye A. Dion

Enclosure

02/20/2002 TSMITH 00000023 76019206

01 FC:377

300.00 OP